

REMARKS

This application has been carefully reviewed in light of the Office Action mailed May 11, 2009. In the previous Office Action, claims 6-9 and 14-16 were indicated allowable. In the present Office Action, the indicated allowability of claims 6-9 and 14-16 has been withdrawn in view of new grounds of rejection. In view of the withdrawal of the indicated allowability of claims 6-9 and 14-16, previously canceled independent claims 1 and 10, and the dependents therefrom, have been added as new claims including additional limitations to distinguish over the cited art. Accordingly, by way of this amendment, claims 6 and 14 have been amended, claims 7, 8, 15 and 16 have been consequentially amended, and claims 21-26 are new, thus claims 6-9, 14-16 and 21-26 remain pending in the application.

Allowable Subject Matter

The indicated allowability of claims 6-9 and 14-16 has been withdrawn in view of the newly discovered reference to Lee.

Claim Rejections - 35 U.S.C. § 103

Pursuant to the Office Action, claims 6-9 and 14-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 2007/0043312 to "Lee" in view of U.S. 2005/0267392 to "Evans."

Specifically, the Office Action states that Lee discloses a splint product for being dispensed in predetermined lengths comprising a moisture-impervious sleeve, a substrate, a reactive system, and a soft tubular wrapping constructed from a knitted fabric, as well as a means for resealing. The Office Action further states that Lee fails to teach a tubular wrapping having ribs extending longitudinally along the length and/or radially around the periphery of the tube.

With regard to Evans, the Office Action states that it would have been obvious to dispense the product in roll form, and that the stacked form of Lee is for the same purpose and would solve the same problem. As to the orientation of the ribs, either longitudinally or radially, the Office Action states that the orientation of the ribs is a matter of design choice and the Applicant has not disclosed that the orientation solves any stated problem or is for any particular purpose.

Applicant respectfully disagrees that the specification fails to disclose that the structure of the tubular wrapping fails to state a particular problem solved and a particular purpose. Referring to the specification at paragraph [0052], the problem solved is providing a fabric configured to both enhance air flow adjacent the skin and remove moisture, as well as provide exterior padding for an overlying cast or other substrate, see paragraph [0077]. To accomplish this, the tubular wrapping, fabric, etc. includes an interior surface including ribs that extend from end to end and separate when applied to a limb, and an exterior surface that is plush for padding. Each independent claim has been amended to include these additional structural limitations of the tubular wrapping that clearly define over the disclosures of both Lee and Evans.

Specifically, independent claims 6, 14, 21 and 24 have been amended to include the additional limitations of a tubular wrapping comprising an inner surface having longitudinally extending ribs arranged around the inner surface and extending along the length from one end of the wrapping to an opposing end that expand when applied to channel air flow and remove moisture from the skin between the ribs, and an outer surface having a plush texture. Support for the limitations of the inner and outer surfaces of the wrapping, product, etc can be found in at least paragraphs [0047] and [0048] and FIG. 1. Support for the positioning of the ribs adjacent the skin and separation when applied to solve the specific problem of enhancing air flow and removing moisture from adjacent the skin can be found in at least paragraph [0052].

The use of the specifically designed wrapping is not simply a matter of design choice, but is required to accomplish both stated purposes (i.e., moisture removal and padding) with a single knitted fabric. As the limitations of the fabric structure are not disclosed in Lee or Evans, and because the orientation of the ribs as claimed provide continuous channels along the entire length of the wrapping (i.e., between opposed ends) between ribs required to allow air to escape from between the fabric and the skin of the patient, Applicant submits that the claims are now distinguished from Lee in view of Evans.

Accordingly, Applicant submits that the rejection of claims 6-9 and 14-16 under 35 U.S.C. §103(a) has been overcome and should be withdrawn, and submits that the claims as amended are now in condition for allowance.

Conclusion

This response is being timely filed and does not include more claims than paid for previously. While Applicant does not believe that there are any fees due in connection with this response, the Director is hereby authorized to charge any such fees or any underpayments to Deposit Account No. 01-0265. Any overpayments should likewise be credited to Deposit Account No. 01-0265.

Respectfully submitted,

/Jeffrey S. Bernard/

Jeffrey S. Bernard
Registration No. 50,020

ADAMS INTELLECTUAL PROPERTY LAW, P.A.
201 South College Street
Suite 2350 Charlotte Plaza
Charlotte, North Carolina 28244
Tel. (704) 375-9249
Fax: (704) 375-0729